

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHARLES SEWARD, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, et al.,

Plaintiffs,

-v-

INTERNATIONAL BUSINESS MACHINES D/B/A IBM CORP,

Defendant.

08-CV-3976 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

For the reasons stated on the record in the proceedings held July 21, 2009, it is hereby

ORDERED that Plaintiffs' motion for conditional class certification, pursuant to 29

U.S.C. § 216(b), is GRANTED. It is further

ORDERED that Plaintiffs are to amend their Proposed Judicial Notice to comply with the modifications made by the Court during the July 21 proceedings and submit the amended Proposed Judicial Notice to the Court and Defendant by no later than July 29, 2009. Defendant is to submit any objections to the amended Proposed Judicial Notice by August 3, 2009. It is further

ORDERED that Defendant is to provide Plaintiffs' counsel with a computer-readable data file containing the names, addresses and telephone numbers of potential opt-in members so that the Judicial Notice, once it is authorized by the Court, may be issued. It is further

ORDERED that the Judicial Notice, once authorized by the Court, be sent via U.S. first class mail to all similarly situated persons employed by Defendant as call center employees at

the Atlanta Riveredge call center from three years prior to the issue of the notice to the present date to inform them of their right to opt-in to this lawsuit. It is further

ORDERED that the Clerk of the Court is to terminate the pending motion (Dkt. No. 44).

SO ORDERED.

DATED: White Plains, New York
July 21, 2009



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE